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Customer No. 23990

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of : Sudhindra P. Herle, et al.  
Serial No. : 10/600,056  
Filed : June 20, 2003  
For : APPARATUS AND METHOD FOR PERFORMING A  
FAIL-SAFE OVER-THE-AIR SOFTWARE UPDATE IN A  
MOBILE STATION  
Group No. : 2192  
Examiner : Michael J. Yigdall  
Confirmation No. : 6021

**MAIL STOP AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION**

This communication responds to a Final Office Action mailed July 20, 2009, which has a shortened statutory period for reply set to expire on October 20, 2009. As this Reply is being filed within two months of the mailing date of the Final Office Action, the Applicants request an Advisory Action.